

***“Public Generally”
Exception:
Clarification of
Regulation 18707.1***

Amend regulation 18707.1

ATTACHMENT 1:

Regulation 18707.1

STEP 7 - "PUBLIC GENERALLY"
Clarification of Regulation 18707.1

VERSION 1

Amend

§ 18707.1. Public Generally. General Rule.

(a) Except as provided in Government Code sections 87102.6 and 87103.5, the material financial effect of a governmental decision on a public official's economic interests is indistinguishable from its effect on the public generally if both subdivisions (b)(1) and (b)(2) of this regulation apply.

(b) Significant Segments and Indistinguishable Effects.

(1) Significant Segment. The governmental decision will affect a "significant segment" of the public generally if any of the following are affected as set forth below:

(A) Individuals. For decisions that affect the personal expenses, income, assets, or liabilities of a public official or a member of his or her immediate family, or that affect an individual who is a source of income or a source of gifts to a public official, the decision also affects:

(i) Ten percent or more of the population in the jurisdiction of the official's agency or the district the official represents; or

(ii) 5,000 individuals who are residents of the jurisdiction.

(B) Real Property. For decisions that affect a public official's interest in real property ~~interest~~, the decision also affects:

(i) Ten percent or more of all property owners or all homeowners in the jurisdiction of the official's agency or the district the official represents; or

(ii) 5,000 property owners or homeowners in the jurisdiction of the official's agency.

1 (C) Business Entities. For decisions that affect a business entity in which a public official has
2 an economic interest, the decision also affects either 2,000 or twenty-five percent of all business
3 entities in the jurisdiction or the district the official represents, so long as the effect is on persons
4 composed of more than a single industry, trade, or profession. For purposes of this subdivision,
5 a not for profit entity other than a governmental entity is treated as a business entity.

6 (D) Governmental Entities. For decisions that affect a federal, state or local government
7 entity in which the public official has an economic interest, the decision will affect all members
8 of the public under the jurisdiction of that governmental entity.

9 (E) Exceptional Circumstances. The decision will affect a segment of the population which
10 does not meet any of the standards in subdivisions (b)(1)(A) through (b)(1)(D), however, due to
11 exceptional circumstances regarding the decision, it is determined such segment constitutes a
12 significant segment of the public generally.

13 (2) Substantially the Same Manner: The governmental decision will financially affect a
14 public official's economic interest in substantially the same manner as it will affect the
15 significant segment identified in subdivision (b)(1) of this regulation. The financial effect need
16 not be identical to be considered financially affected in substantially the same manner.

17 COMMENT: The term "affect all members of the public" is intended to cover decisions
18 affecting the public in general but to exclude decisions which uniquely benefit a public official.

19 NOTE: Authority cited: Section 83112, Government Code.
20 Reference: Section 87103, Government Code.

1 **VERSION 2**

2 **Amend**

3 **§ 18707.1. Public Generally. General Rule.**

4
5 (a) Except as provided in Government Code sections 87102.6 and 87103.5, the material
6 financial effect of a governmental decision on a public official's economic interests is
7 indistinguishable from its effect on the public generally if both subdivisions (b)(1) and
8 (b)(2) of this regulation apply.

9 (b) Significant Segments and Indistinguishable Effects.

10 (1) Significant Segment. The governmental decision will affect a "significant segment" of
11 the public generally if any of the following are affected as set forth below:

12 (A) Individuals. For decisions that affect the personal expenses, income, assets, or liabilities
13 of a public official or a member of his or her immediate family, or that affect an individual who
14 is a source of income or a source of gifts to a public official, the decision also affects:

15 (i) Ten percent or more of the population in the jurisdiction of the official's agency or the
16 district the official represents; or

17 (ii) 5,000 individuals who are residents of the jurisdiction.

18 (B) Real Property, other than leaseholds. For decisions that affect ~~a public official's~~ real
19 property in which a public official has an economic interest, the decision also affects:

20 (i) Ten percent or more of all property owners or all homeowners in the jurisdiction of the
21 official's agency or the district the official represents; or

22 (ii) 5,000 property owners or homeowners in the jurisdiction of the official's agency.

23 (C) Real property, leaseholds. For decisions that affect real property in which a public
24 official has a leasehold interest, the decision also affects persons as described in 2 Cal. Code
25 Regs. section 18707.1(b)(1)(B)(i) - (ii) or :

1 (i) Ten percent or more of all persons having leasehold interests in the jurisdiction of the
2 official's agency or the district the official represents; or

3 (ii) 5,000 persons having leasehold interests in the jurisdiction of the official's agency.

4 (~~CD~~) Business Entities. For decisions that affect a business entity in which a public official
5 has an economic interest, the decision also affects either 2,000 or twenty-five percent of all
6 business entities in the jurisdiction or the district the official represents, so long as the effect is on
7 persons composed of more than a single industry, trade, or profession. For purposes of this
8 subdivision, a not for profit entity other than a governmental entity is treated as a business entity.

9 (~~DE~~) Governmental Entities. For decisions that affect a federal, state or local government
10 entity in which the public official has an economic interest, the decision will affect all members
11 of the public under the jurisdiction of that governmental entity.

12 (~~EF~~) Exceptional Circumstances. The decision will affect a segment of the population which
13 does not meet any of the standards in subdivisions (b)(1)(A) through (b)(1)(D), however, due to
14 exceptional circumstances regarding the decision, it is determined such segment constitutes a
15 significant segment of the public generally.

16 (2) Substantially the Same Manner: The governmental decision will financially affect a
17 public official's economic interest in substantially the same manner as it will affect the
18 significant segment identified in subdivision (b)(1) of this regulation. The financial effect need
19 not be identical to be considered financially affected in substantially the same manner.

20 COMMENT: The term "affect all members of the public" is intended to cover decisions
21 affecting the public in general but to exclude decisions which uniquely benefit a public official.

22 NOTE: Authority cited: Section 83112, Government Code.
23 Reference: Section 87103, Government Code.

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